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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZHONG WU LIN, as Administrator of the
Estate, Goods, Chattel and Credits of LI BIN
ZHENG, a/k/a BIN LI ZHENG, deceased,
ZHONG WU LIN, as the Father and Natural
Guardian of J.L. and J.Q.L., and ZHONG WU
LIN, Individually,

Plaintiffs,

- against -

NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION, *et al.*,

Defendants.
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Electronically Filed

08 Civ. 7193 (BSJ)
ECF Case

**NOTICE OF MOTION TO
SUBSTITUTE THE UNITED
STATES OF AMERICA AS
DEFENDANT AND TO
DISMISS THE CLAIMS
AGAINST THE UNITED
STATES OF AMERICA**

PLEASE TAKE NOTICE that, upon the accompanying (1) Memorandum of Law in Support of Motion to Substitute the United States of America as Defendant for Defendants Charles B. Wang Community Health Center and Zhiguang P. Zhang, M.D., and to Dismiss the Claims Against the United States of America, (2) Declaration of Meredith Torres, dated August 19, 2008, and (3) Declaration of Joseph N. Cordaro, dated August 20, 2008, the United States of America (the "United States"), by its attorney, Michael J. Garcia, United States Attorney for the

Southern District of New York, hereby moves this Court for an order (i) substituting the United States as Defendant for Defendants Charles B. Wang Community Health Center and Zhiguang P. Zhang, M.D., (ii) dismissing the claims against the Charles B. Wang Community Health Center and Zhiguang P. Zhang, M.D. with prejudice, and (iii) dismissing the claims against the United States for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

Dated: New York, New York
August 20, 2008

Respectfully submitted,

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